

# ARKANSAS COURT OF APPEALS

DIVISION II

No. CA08-435

DONNIE and VICKI FARMER,  
APPELLANTS

V.

MARIETTA RIDDLE,  
APPELLEE

**Opinion Delivered** 3 DECEMBER 2008

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT,  
[NO. CV-2005-575]

THE HONORABLE TIMOTHY FOX,  
JUDGE

DISMISSED

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**D.P. MARSHALL JR., Judge**

When her husband died, Marietta Riddle’s daughter and son-in-law—the Farmers—invited her to live with them. Ms. Riddle decided to do so. She sold her house and paid for converting the Farmers’ detached garage into an apartment. Ms. Riddle expected to live in the apartment for the rest of her life. But a family dispute arose over a conversation that Ms. Riddle had with a neighbor about some tire ruts in the yard. Eventually, Ms. Riddle moved. She then sued the Farmers to recover the money that she had spent making the garage an apartment. After a bench trial, the circuit court found that Ms. Riddle had proven unjust enrichment and quantum meruit and awarded her \$47,719.00. The court also ordered the Farmers to return certain personal property to her. The Farmers appeal.

We must dismiss, however, because the Farmers did not appeal from a final

judgment. “Under Rule 54(b), an order that fails to adjudicate all of the claims as to all of the parties, whether presented as claims, counterclaims, cross-claims, or third-party claims, is not final for purposes of appeal. Although Rule 54(b) provides a method by which the trial court may direct entry of final judgment as to fewer than all of the claims or parties, where there is no attempt to comply with Rule 54(b), the order is not final and we must dismiss the appeal.” *Dodge v. Lee*, 350 Ark. 480, 485, 88 S.W.3d 843, 846 (2002) (internal citations omitted). Here, Mrs. Farmer and other family members filed a counterclaim/third-party complaint against Ms. Riddle. Neither the briefs nor the record show that the circuit court resolved the claims made in this pleading. Nor did the parties attempt to comply with Ark. R. Civ. P. 54(b)(1) by asking the circuit court to certify the order’s finality. We therefore lack jurisdiction to consider the apartment order at this time.

If the case comes back to our court, then both parties need to rework their briefs. For example, the appellants’ addendum does not contain the relevant pleadings, and their statement of the case does not contain the required addendum and abstract references. Ark. Sup. Ct. R. 4-2(a)(6), (8). Likewise, the appellee’s argument and statement of the case also do not contain the required addendum and abstract references. Ark. Sup. Ct. R. 4-2(a)(6)–(7). The parties should turn these square corners if there is another appeal.

Dismissed.

BIRD and BAKER, JJ., agree.